

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BPS DIRECT, LLC and CABELA’S,
LLC, WIRETAPPING

MDL NO. 3074
2:23-md-03074-MAK

PLAINTIFFS’ NOTICE OF AGREEMENT ON PRIVATE MEDIATOR

MDL Plaintiffs, by and through undersigned counsel, hereby submit the following in response to Case Management Order No. 1 (ECF No. 52), entered July 26, 2023. Pursuant to that Order, “Counsel shall meaningfully meet and confer to allow Plaintiffs to file a Notice by no later than November 30, 2023 as to an agreement on the identity of a private mediator to begin meaningful mediation sessions no later than April 22, 2024 and continue until lead counsel and the mediator certifies no likelihood of success in future mediation.” ECF No. 52 at 6 ¶ 11.

MDL Plaintiffs report that the parties have agreed on the selection of Hon. Diane M. Welsh (Ret.) as a private mediator for the litigation, and will work with her to begin meaningful mediation sessions on or before April 22, 2024. Plaintiffs have conferred with counsel for Defendants and for the *Irvin* case and understand that all parties agree on this selection.

Date: November 30, 2023

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Plaintiffs' Steering Committee